Reserved Judgment

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Second Appeal No. 1507 of 2001
(Old No. 2713 of 1977)

Mahant Hari Dass Chela Mahant Tehal Dass
Residing at Sheikha Tehsil, Burnala District,
Sangroor, Punjab.

…… Defendant / Appellant

Versus

1. Mahant Dooj Dass Chela of Mangal Dass
(In Suit mentioned as Chela of Mahant Tehal Dass)
R/o Bhitiwala, Tehsil Muktasar,
District Firozpur, Punjab.

…….. Plaintiff / Respondent

2. Udasin Punchaiyati Bara Akhara Kankhal,
Haridwar, District Saharanpur
Through Mahant Gopal Dass.
3. Mahant Gopal Dass Chela Mahant Sohan Dass
Residing at Udasin Panchayati Bara Akhara,
Kankhal, Haridwar, Distt. Saharanpur.
4. Shri Prayag Dass Chela Mahant Tehal Dass
R/o Badhi Panch Bhadson, Distt. Patiala.
5. Shri Ishwar Dass Chela of Mahant Tehal Dass
R/o Kararwala, Tehsil Phul,
District Bhatinda, Punjab.

……..Defendants / Respondents

Mr. Alok Kumar, Advocate i/b Mr. Rjendra Dobhal,
Advocate for the appellant.
Mr. S.P. Gupta, Senior Advocate assisted by Mr. L.S. Samant,
And Mr. Sharad Sharma, Advocates for the respondents.

Hon'ble Prafulla C. Pant, J.

This appeal was shown connected in the cause list with the Second Appeal No. 1506 of 2001 (old No. 2701 of 1977), but on scrutiny of the entire file, it was found by this Court, that this appeal 1507 of 2001 (old NO. 2713 for 1977) has already been withdrawn by the appellant on 16.12.1996, and Allahabad High

Court vide its order dated 16.12.1996 passed on an application bearing No. 5561 of 1996, dismissed this appeal as withdrawn. In the circumstances, therefore, Registry has wrongly shown it connected with Second Appeal No. 1506 of 2001 (old No. 2701 of 1977). The fact remains that it was never restored after 16.12.1996. It appears that since both the appeals were connected earlier prior to that date, this appeal continued to be shown connected with Second Appeal No. 1506 of 2001 (old No. 2701 of 1977). As such, all the orders passed thereafter on this appeal No. 1507 of 2001 are redundant.

2) The Registry is directed not to treat this Second Appeal No. 1507 of 2001 as connected appeal with Second Appeal No. 1506 of 2001 (old No. 2701 of 1977) and second Appeal No. 1507 of 2001 does not require any further orders to be passed, for its disposal, as it already stands dismissed as withdrawn vide Allahabad High Court order dated 16.12.1996. Consign to record room.

(Prafulla C. Pant, J.)

Dt. February 23,2006.
H.Negi